

*Talk*



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,898	09/11/2003	Vijayeshwar D. Khanna	HSJ920030121US1	6376

7590

06/26/2006

John L. Rogitz  
Rogitz & Associates  
Suite 3120  
750 B Street  
San Diego, CA 92101

EXAMINER
----------

SNIEZEK, ANDREW L

ART UNIT	PAPER NUMBER
----------	--------------

2627

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/660,898

Applicant(s)

KHANNA ET AL.

Examiner

Andrew L. Snizek

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-11 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-11, 13, 15-18 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The following action is taken in view of the amendment filed 4/24/06.

#### ***Claim Objections***

2. Claims objected to under 37 CFR 1.75(a) as not particularly pointing out and distinctly claiming the invention. It is not clear what is being compared to the archive region as set forth by the language in claim 14. The "the archive region" set forth in claim 8 cannot be referenced to a previous claimed archive region. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 7, 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Masayuki (JP 03-168985) along with corresponding English translation.

Re claim 1: Masayuki teaches a disk drive that inherently includes a controller and which has a motion limiting element(s) (13) which as depicted in figure 2 extends across the active area of the disk (5) such that the during reading/writing (page 5, lines 1-3 of the English translation) the effects of mechanical shock are mitigated. Also due to the location of element (13) data is always written in the active area.

Re claim 3: As depicted in figure 2 the active region includes at least one of the outer region and inner region of the disk.

Re claim 7: Masayuki teaches a disk drive that includes an active region (entire disk) in which a motion limiting means (13) is provided such that data is always written in the active region.

Re claim 10: As depicted in figure 2 the active region includes the outer region of the disk.

***Claim Rejections - 35 USC § 103***

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 4, 6, 8, 9, 11, 13, 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masayuki in view of Smith (U.S. Pub. No 2002/0186492 A1).

The teaching of Masayuki is discussed above and incorporated herein. This teaching substantially teaches the invention as set forth in claims 13 and 17.

Claim 13 additionally sets forth a archive region which although not taught by Masayuki is taught by Smith (summary of invention along with figures 4a and 4b to increase the life of the disk. . It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Smith into the arrangement of Masayuki when achieving data to increase the life of the disk. Note that the moving of data as taught by Smith is without regard for the type of data being moved.

Claims 2, 9 and 16: additionally sets forth moving data from an active region to an archive region based on at least one of recency of last access, whether a time for achieving has occurred and whether a motion sensing threshold is reached. Although not taught by Masayuki such a feature is well known in the art as taught by Smith (see tables in figure 4a and 4b) to increase the life of the disk. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Smith into the arrangement of Masayuki when achieving data to increase the life of the disk.

Re claims 4, 8, 11, 15 and 18: Note summary of the invention in Smith, which would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Smith into the arrangement of Masayuki when achieving data to increase the life of the disk.

Re claim 6: Note figure 3a of Smith that takes into account thresholds which would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Smith into the arrangement of Masayuki when achieving data to increase the life of the disk.

***Allowable Subject Matter***

8. Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and to correct the noted minor deficiency under claim objections.

9. The following is a statement of reasons for the indication of allowable subject matter: The hard disk drive as set forth in claim 14 incorporate all the limitations of claim 13 that additionally sets forth the active region to a region in which mechanical shocks are mitigated compared to an archive region, in which the effects of mechanical shock are not mitigated (not claimed but examiner believes this is the intended meaning applicant is trying to claim) is neither taught by nor an obvious variation of the art of record.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Khanna et al. and Symons et al. teach related shock limiting arrangements.

***Response to Arguments***

11. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Snizek whose telephone number is 571-272-7563. The examiner can normally be reached on Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Andrew L. Sniezek  
Primary Examiner  
Art Unit 2627

A.L.S.  
6/14/06